

NOTICE

FEDERAL COURT PROPOSED LOCAL RULE AMENDMENTS

In connection with the implementation of the Electronic Filing System in the United States District Court for the Western District of New York, the Court is adopting two new local rules and amending two existing local rules. Specifically, the Court proposes to adopt Local Rule of Civil Procedure 5.6 and Local Rule of Criminal Procedure 49.8 which are identically worded and provide for electronic filing of documents with the Court. Additionally, the Court proposes to amend Local Rule of Civil Procedure 7.1(k) and Local Rule of Criminal Procedure 49.1(j) to permit service by electronic means. Pursuant to Rule 83 of the Federal Rules of Civil Procedure, the Court invites comment on the proposed amendments. Copies of the draft rules are available on the Court's website at www.nywd.uscourts.gov or upon request from the Clerk's office in both Buffalo and Rochester. All comments must be in writing and submitted by no later than November 14, 2003, to Rodney C. Early, Clerk, U.S. District Court, 304 U.S. Courthouse, 68 Court Street, Buffalo, NY 14202.

LOCAL RULE OF CIVIL PROCEDURE 5.6

FILING BY FACSIMILE OR ELECTRONIC MEANS

- a. The Clerk's Office will not accept any facsimile transmission unless ordered by the Court.
 - b. Pursuant to Federal Rule of Civil Procedure 5(e), the Clerk's Office will accept papers filed, signed, or verified by electronic means that are consistent with technical standards, if any, that the Judicial Conference of the United States establishes. All electronic filings shall be governed by the Court's General Order Governing Electronic Filing.
 - c. Service by electronic means is addressed in Local Rule of Civil Procedure 7.1(k)
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LOCAL RULE OF CIVIL PROCEDURE 7.1(k)

SERVICE AND FILING OF PAPERS

(k) No papers shall be served by electronic means unless, in accordance with Federal Rule of Civil Procedure 5(b)(2)(D), the party or parties being served has filed a written consent to accept service by this means. An attorney's registration as a user of the Court's Electronic Case Filing System constitutes consent to accept service electronically. When a document is filed electronically, the Court's system will generate a Notice of Electronic Filing, which will be transmitted by the Court via e-mail to the filer and all parties who have consented to electronic service. The Notice of Electronic Filing, which serves as the Court's date-stamp and proof of service, will contain a hyperlink to the filed document. Transmission of the Notice of Electronic Filing to the registered e-mail address constitutes service of a pleading, document, order or notice upon any attorney in the case who has consented to electronic service. For cases which are a part of the Court's Electronic Case Filing System, only service of the Notice of Electronic Filing by the Court's system is sufficient to constitute electronic service. Those parties or attorneys within the case who have not consented to electronic service must be provided notice of the filing in paper form in accordance with the Federal Rules of Civil Procedure.

LOCAL RULE OF CRIMINAL PROCEDURE 49.8

FILING BY FACSIMILE OR ELECTRONIC MEANS

- a. The Clerk's Office will not accept any facsimile transmission unless ordered by the Court.
 - b. Pursuant to Federal Rule of Civil Procedure 5(e), the Clerk's Office will accept papers filed, signed, or verified by electronic means that are consistent with technical standards, if any, that the Judicial Conference of the United States establishes. All electronic filings shall be governed by the Court's General Order Governing Electronic Filing.
 - c. Service by electronic means is addressed in Local Rule of Criminal Procedure 49.1(k)
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LOCAL RULE OF CRIMINAL PROCEDURE 49.1(j)

SERVICE AND FILING OF PAPERS

(j) No papers shall be served by electronic means unless, in accordance with Federal Rule of Civil Procedure 5(b)(2)(D), the party or parties being served has filed a written consent to accept service by this means. An attorney's registration as a user of the Court's Electronic Case Filing System constitutes consent to accept service electronically. When a document is filed electronically, the Court's system will generate a Notice of Electronic Filing, which will be transmitted by the Court via e-mail to the filer and all parties who have consented to electronic service. The Notice of Electronic Filing, which serves as the Court's date-stamp and proof of service, will contain a hyperlink to the filed document. Transmission of the Notice of Electronic Filing to the registered e-mail address constitutes service of a pleading, document, order or notice upon any attorney in the case who has consented to electronic service. For cases which are a part of the Court's Electronic Case Filing System, only service of the Notice of Electronic Filing by the Court's system is sufficient to constitute electronic service. Those parties or attorneys within the case who have not consented to electronic service must be provided notice of the filing in paper form in accordance with the Federal Rules of Civil Procedure.